

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL KENNETH HENDRICKS,)	CASE NO. 1:16-CV-00168
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	MAGISTRATE JUDGE
)	KATHLEEN B. BURKE
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION)	<u>ORDER ADOPTING REPORT</u>
)	<u>AND RECOMMENDATION</u>
Defendant.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Kathleen B. Burke. The Report and Recommendation (ECF #), issued on December 28, 2016, is hereby ADOPTED by this Court. Plaintiff sought judicial review of the Commissioner of Social Security's final decision denying his applications for Supplemental Security Income and Disability Insurance Benefits under 42 U.S.C. § 405(g). Magistrate Judge Burke found that the ALJ properly assessed the Plaintiff's credibility and the ALJ's decision was supported by substantial evidence. Plaintiff timely filed his objections to the Magistrate Judge's Report and Recommendation.

The Court has reviewed *de novo* those portions of the Magistrate Judge's Report and Recommendation to which objections have been made. *See* FED. R. CIV. P. 72(b). The Court finds that the Plaintiff's objections raise no factual or legal arguments that have not been fully addressed by the Magistrate Judge's Report and Recommendation. The Plaintiff claimed

disability based on a myriad of mental impairments, including bipolar disorder, schizoaffective disorder, and depression.(Tr. 62, 74, 86, 98, 130, 134, 142, 146, 217). Despite the Plaintiff's impairments, none of them limited him to not being able to perform other work that exists in significant numbers in the national economy, as listed in step five of Appendix 1 of 20 C.F.R. Part 404, Subpart P. (20 C.F.R. §§ 404.1520 et seq., 416.920 et seq.).

The ALJ discussed and considered Dr. Mathew's opinion that the Plaintiff continued to experience problems with stress management. (Tr. 118). The ALJ also discussed and considered the Plaintiff's social and job seeking activities when determining the Plaintiff's statements' credibility regarding the intensity, persistence, and effects of his symptoms. Further, the ALJ considered the Plaintiff's response to treatment and found that when the Plaintiff complied with his medication, his mental impairments stabilized and were under control. (Tr.119). Additionally, the ALJ included Residual Functional Capacity ("RFC") considerations when evaluating the Plaintiff's difficulty with stress triggered by work and social activities. (Tr. 118). The ALJ based its finding on the entirety of the record and correctly concluded that the Plaintiff's response to stress would not preclude him from working as he alleges.

The Magistrate Judge's Report and Recommendation fully and accurately addresses all of the Plaintiff's claims and the Plaintiff's objections are unwarranted. Therefore, the Court adopts the Magistrate Judge's Report and Recommendation in its entirety. Additionally, the Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253 (c); FED. R. APP. P. 22(b). The Social Security Administration's final decision denying Plaintiff's applications for Supplemental Security Income and Disability Insurance

Benefits is affirmed.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: January 25, 2017